

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FILE  
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In the Matter of )  
 )  
Policies and Rules Pertaining )  
to the Equal Access Obligations )  
of Cellular Licensees )

RM-8012

SEP - 2 1992

Federal Communications Commission  
Office of the Secretary

COMMENTS OF BELL ATLANTIC

Bell Atlantic urges the Commission to initiate the rulemaking requested by MCI. The rulemaking should consider equal access not just for cellular carriers, but also for other wireless services. All competing wireless providers should operate under the same rules. While the rule MCI proposes would permit Bell Atlantic to compete on even terms with competitors which do not now have an equal access obligation, the continuation and broadening of equal access rules in the wireless industry would add millions of dollars to the price consumers pay for service and is not in the public interest.

The scope of the Commission's rulemaking should not be limited to cellular licensees, but rather the Commission should consider whether all providers of personal communications and other wireless services should offer equal access for interLATA calls. The Commission should consider this subject at this time because it is in the process of authorizing new personal communication services,<sup>1</sup> and because the industry is on the verge of an explosion of new wireless communications services.

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<sup>1</sup> In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, ET Dkt. No. 92-100, Notice of Proposed Rule Making and Tentative Decision (released Aug. 14, 1992).

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Dozens of companies have received experimental licenses, and similar numbers are seeking pioneer preferences.

Some carriers, such as AT&T, are planning nationwide wireless networks to provide both local and long distance services, without providing equal access for other long distance companies.<sup>2</sup>

The interexchange carrier Sprint is combining its existing United Telephone cellular properties with Centel's extensive cellular interests, none of which have any equal access obligation.

AT&T is offering a new service called "EasyReach" that can be used in conjunction with wireless services. EasyReach not only fails to afford equal access to other interexchange carriers, but it also denies equal access to any person calling the EasyReach customer, who must also use AT&T.<sup>3</sup>

The public would be best served if the equal access rules for these services were established at the outset, before further consolidations are consummated, networks are built and customers signed up.<sup>4</sup>

Bell Atlantic offered equal access to its cellular subscribers after the technology to do so became available in the mid-1980's. When Bell Atlantic acquired cellular carriers which were not providing equal access, it implemented equal access in those systems as well. A number of interexchange carriers compete

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<sup>2</sup> A diagram of AT&T's proposed service which shows all long distance traffic carried by AT&T, taken from a recent filing with the Commission, is attached.

<sup>3</sup> AT&T Transmittal No. 4041, dated August 28, 1992.

<sup>4</sup> Equal access issues have already come up in the PCS context, as one of the grounds for MCI's opposition to AT&T's request for a pioneer preference is AT&T's failure to offer equal access. MCI Opposition at 10-11 in Dkt. No. 90-314, PP-43 (June 10, 1992).

to offer interLATA services directly to Bell Atlantic's customers in these markets.

Bell Atlantic's cellular competitors do not provide equal access, however, except where those competitors also happen to be Bell operating company affiliates. These competitors are able to aggregate their subscribers' traffic and obtain bulk discount rates for delivering it all to a single interexchange carrier. This gives them a choice which is not available to Bell Atlantic. These cellular carriers can pass on to their customers lower rates for interLATA service, giving them a competitive edge over Bell Atlantic. Or they can charge regular interexchange rates for these calls, making a significant profit and depriving their customers of the benefits of lower prices.

Bell Atlantic and the other Bell companies have found the disparity intolerable and have asked for a modification of the AT&T consent decree to allow them to eliminate equal access.<sup>5</sup> Their request shows that this modification would potentially save consumers millions of dollars every year. Interexchange carriers have opposed this request, claiming that equal access is important to them.<sup>6</sup>

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<sup>5</sup> Motion of the Bell Companies for Removal of Mobile and Other Wireless Services From the Scope of the Interexchange Restriction and Equal Access Requirement of Section II of the Decree (Dec. 13, 1991).

<sup>6</sup> E.g., Opposition of Sprint at 1-16 (April 27, 1992); MCI's Opposition to the BOCs' Motion To Eliminate the Interexchange and Equal Access Restrictions for All Current and Future "Wireless" Technologies at 18-21 (May 4, 1992); AT&T's Opposition to RBOCs' Motion To "Exempt" Wireless Services From Section II of the Decree at 81-86 (April 27, 1992).

Bell Atlantic believes that equal access for wireless services needlessly increases the price wireless customers must pay for interexchange services. However, if it is in the public interest for Bell wireless customers to have equal access, it must also be in the public interest for customers of other wireless providers to have the same choice. It is surely in the public interest that all providers compete under the same rules.

The Commission should act now, to put an end to the inconsistent equal access rules found in the cellular industry and to avoid the repetition of that situation with the introduction of other personal communications services. Bell Atlantic, therefore, urges the Commission to adopt rules that ensure that all carriers that compete in the wireless marketplace have the same equal access obligations.

Respectfully submitted,

  
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Dated: September 2, 1992

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
Request of American Telephone ) File No. \_\_\_\_\_  
and Telegraph Company for a )  
Pioneer's Preference Concerning ) Gen. Docket No. 90-314  
Personal Communications Service )

REQUEST FOR A PIONEER'S PREFERENCE

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

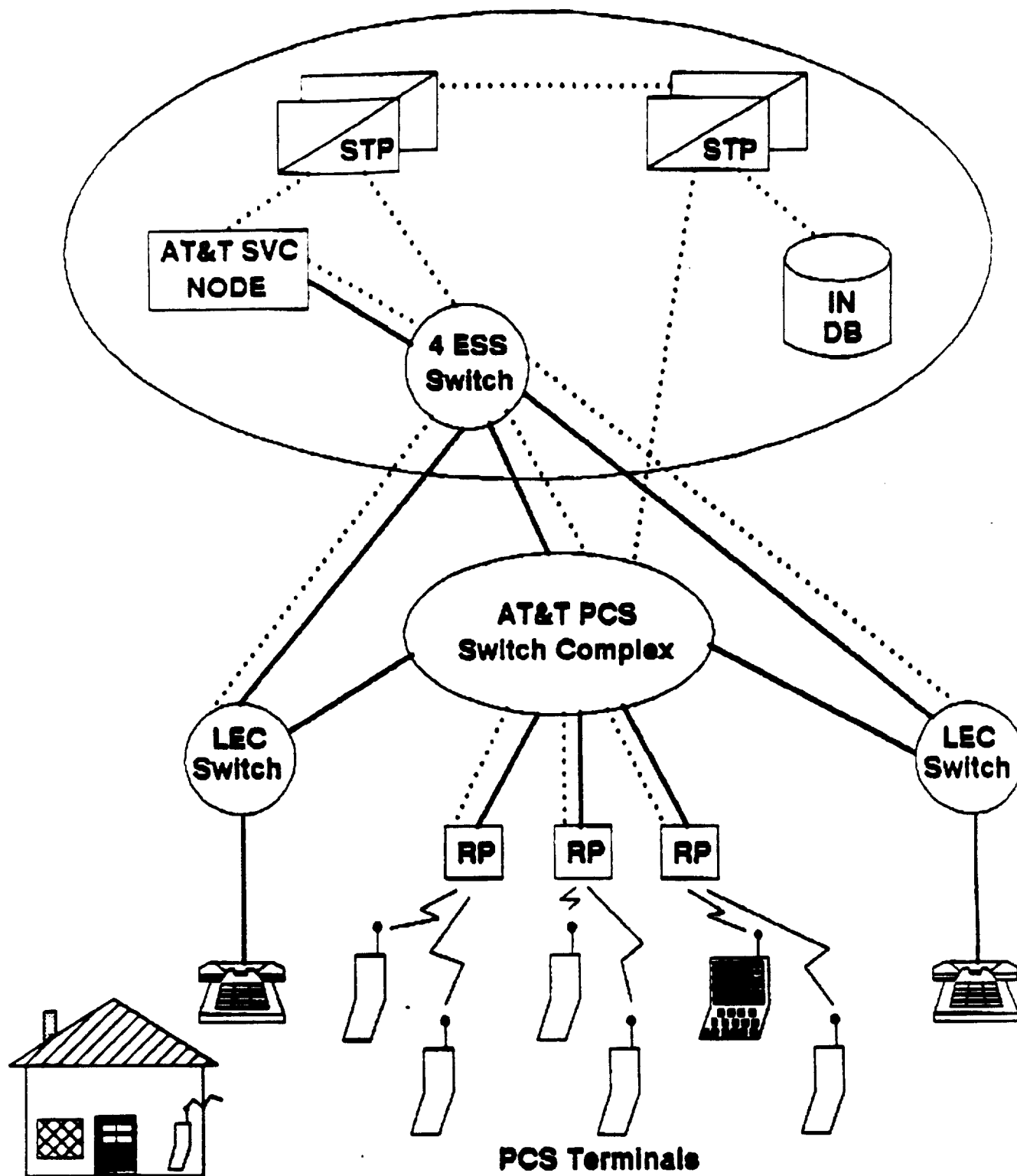
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May 4, 1992

# AT&T Intelligent Network



## LEGEND

AT&T SVC NODE	AT&T Service Node
RP	Radio Port
INDB	Intelligent Network Data Base
STP	Signal Transfer Point
.....	Signaling Path
————	Voice Path

## PCS Terminals

- Voice
- Data

# PCS ARCHITECTURE

Attachment 2

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments of Bell Atlantic" was served this 2nd day of September, 1992, by delivery thereof by first class mail, postage prepaid, to the parties on the attached list.

  
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